

Proposed Certified Family Home (CFH) Rule Changes for 2017

Public negotiated rulemaking meetings were held in Pocatello, Coeur d'Alene, and Boise during the month of May, 2016, with the intent to promulgate rules for the Certified Family Home (CFH) program. The notice of Negotiated Rulemaking published in the April and May Idaho Administrative Bulletins.

The purpose of these negotiated rulemaking meetings was to seek input, ideas and suggestions from providers and stakeholders to strengthen requirements that promote residents' health and safety and to streamline or eliminate certification requirements that are onerous to providers and do not lead to increased health and safety. All meetings were well attended, with eighty-six (86) participants in Pocatello, sixty-nine (69) participants in Coeur d'Alene, and one hundred (100) participants in Boise. Even though the negotiated rulemaking notice clearly stated that the rules being negotiated were in IDAPA 16.03.19 related to state certification of certified family homes and that the rulemaking sessions were not intended for negotiating changes to Medicaid reimbursement rules, many of the comments received during the negotiated rulemaking sessions from providers requested changes to the rules contained in IDAPA 16.03.10, which are rules related to Medicaid reimbursement.

On July 7, 2016, management and staff from the Divisions of Licensing and Certification and Medicaid convened to develop strategies for better supporting the certified family homes provider group, starting with educational resources and possible training to help them better understand the difference between requirements they must meet related to the certification of their home for state licensing purposes and requirements they must meet as part of their Medicaid provider agreement. Resources and training will be made available to certified family home providers as soon as they are developed. Staff from the two divisions also identified rules and requirements that cause confusion for certified family home providers. In the spring of 2017, the Divisions of Licensing and Certification and Medicaid will conduct joint negotiated rulemaking sessions to gather input from providers and other stakeholders about possible changes to rules related to their state certification and requirements for Medicaid reimbursement.

Pending the joint rulemaking effort in 2017, the Division of Licensing and Certification will pursue **only two rule changes** in the 2017 Legislative Session. Those changes are required to align Certified Family Home administrative rules with recent statute changes, specifically:

- The Department must amend sections of the CFH rules to align with Sections 39-3502 and 39-3512, Idaho Code, that provides an exception for the Department of Veterans Affairs Medical Foster Homes.
- The Department has also determined that rules regarding the CFH Admission Agreement do not align with the Landlord/Tenant Laws of the state and these rules need to be updated to meet the requirements in Section 6-303, and 6-310, Idaho Code.

Both changes are cost neutral.